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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Argentina*, Australia, Austria, Barbados, Bulgaria, Canada, Chile, Colombia, Costa Rica, Denmark*, Finland, Germany, Kenya, Madagascar*, Netherlands, New Zealand*, Norway*, Peru, Poland, Sweden* and Switzerland*: draft resolution

Integrating the rights of women into the human rights mechanisms of the United Nations

The Commission on Human Rights,

Recalling its resolution 1993/46 on integrating the rights of women into the human rights mechanisms of the United Nations, in which it decided to consider the appointment of a special rapporteur on violence against women at its fiftieth session,

(Resolution 1993/46 op para. 6)

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Also recalling that the World Conference on Human Rights welcomed the decision of the Commission on Human Rights to consider the appointment of the Special Rapporteur on violence against women at its fiftieth session,

(Vienna Declaration part III, para. 40)

Welcoming the adoption by the General Assembly in its resolution 48/104 of 20 December 1993 of the Declaration on the Elimination of Violence Against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

(Drawn from 48/104, preambular para. 5)

Deeply concerned at continuing and endemic violence against women, and noting that the Declaration on the Elimination of Violence Against Women sets out various forms of physical, sexual and psychological violence against women,

(Drawn from 48/104, Preambular 11 and Declaration on Violence, art. 2)

Mindful that the Vienna Declaration and Programme of Action affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

(Vienna Declaration part I, para. 18)

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims (Geneva, 30 August - 1 September 1993), and reiterating that such acts constitute grave breaches of international humanitarian law,

Recalling the inclusion of rape in the mandate of the international war crimes tribunal established to prosecute serious violations of international humanitarian law, including war crimes and crimes against humanity,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of

working towards the elimination of violence against women in public and private life and urges the eradication of all forms of discrimination against women,

Recalling the outcome of the World Conference on Human Rights as reflected in the Vienna Declaration and Programme of Action, which affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community,

(Vienna Declaration, part I, para. 18)

Also recalling that the Vienna Declaration and Programme of Action affirmed that the human rights of women should form an integral part of United Nations human rights activities, including the promotion of all human rights instruments as they relate to women, and urged Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of the human rights of women and the girl child,

(Vienna Declaration, part I, para. 18)

Bearing in mind that the Programme of Action for the equal status and human rights of women adopted in the Vienna Declaration sets out a series of measures to be taken to further the full and equal enjoyment by women of all human rights as a priority for Governments and the United Nations, and recognizing the importance of the integration and the full participation of women as both agents and beneficiaries in the development process,

(Vienna Declaration, part II, para. 36)

Welcoming the report of the Secretary-General (E/CN.4/1994/34) submitted in response to the request contained in resolution 1993/46 to consult with all United Nations human rights bodies, including the treaty bodies, on the implementation of the resolution and in particular the action taken to create a focal point in the Centre for Human Rights for the human rights of women,

(Resolution 1993/46, op para. 7)

Considering that the Vienna Declaration and Programme of Action called on the United Nations to encourage the goal of universal ratification by all

States of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 and to avoid, as far as possible, the resort to reservations,

(Drawn from the Vienna Declaration, part III, para. 39 and Vienna Declaration, part I, para. 26)

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Looking forward to the Fourth World Conference on Women: Action for Equality, Development and Peace to be held in Beijing in 1995, and urging that human rights of women should play an important role in its deliberations,

Recognizing the important role of the women's movement and of non-governmental organizations in promoting the human rights of women,

(Drawn from Violence Declaration, art. 4 (o))

1. Condemns all acts of gender-based violence and other violations of the human rights of women;

(Vienna Declaration, part II, para. 38, Violence Declaration. art. 1)

2. Calls for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims in accordance with the Declaration on the Elimination of Violence against Women;

(Drawn from Violence Declaration, arts. 4 (c) and (d))

3. Condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law, and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

(Vienna Declaration, part II, para. 38)

4. Calls for the elimination of violence against women in public and private life, of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism;

(Drawn from the Vienna Declaration, part II, para. 37)

5. Urges Governments to intensify their efforts to promote and protect the human rights of women and eliminate violence against women, in accordance with the Vienna Declaration and Programme of Action and the Declaration on the Elimination of Violence against Women, through the adoption of all appropriate means and measures, at the national, regional and international levels;

(Vienna Declaration, part I, para. 18, see also Violence Declaration, arts. 4 and 5)

6. Decides to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and its consequences, who will report to the Commission on an annual basis beginning at its fifty-first session;

(Standard)

7. Invites the Special Rapporteur, in carrying out this mandate, and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments including the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women, to:

(a) Seek and receive information on violence, its causes and its consequences from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions and intergovernmental and non-governmental organizations, including women's groups, and to respond effectively to such information;

(Drawn from mandates of Special Rapporteur on Freedom of Expression, Torture, and Arbitrary Executions)

(b) Recommend measures, ways and means, at the national, regional and international levels, to eliminate violence against women and its causes, and to remedy its consequences;

(c) Work closely with other special rapporteurs, special representatives, working groups and independent experts of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with the treaty bodies, taking into account the Commission's request that they regularly and systematically include in their reports available information on human rights violations affecting women, and cooperate closely with the Commission on the Status of Women in the discharge of its functions;

(Drawn from resolution 1993/46, op para. 2)

8. Requests the Chairman of the Commission, after consultation with the other members of the Bureau, to appoint as Special Rapporteur an individual of recognized international standing and experience in addressing the human rights of women;

(Standard)

9. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated and to furnish all information requested;

(Standard)

10. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

(Standard)

11. Also requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women to assist in the Commission's work in the area of violence against women;

12. Calls for intensified effort at the international level to integrate the equal status of women and the human rights of women into the mainstream of

United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms;

(Vienna Declaration part II, para. 37, see also Violence Declaration, art. 5 (e))

13. Encourages further integration of objectives and goals between the Commission on Human Rights, the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women and other treaty bodies, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations agencies, and calls for closer cooperation and coordination between the Centre for Human Rights and the Division for the Advancement of Women;

(Resolution 1993/46, op para. 5, Vienna Declaration part II, para. 37)

14. Renews its call to Governments to include gender-disaggregated data, including information on the de jure and de facto situation of women, in the information they provide to special rapporteurs, treaty bodies and to all other United Nations bodies and mechanisms concerned with human rights, and notes that the Vienna Declaration and Programme of Action calls on all special rapporteurs, working groups, the treaty bodies and other mechanisms of the Commission and the Sub-Commission to make use of such data in their deliberations and findings;

(Drawn from resolution 1993/46, op para. 4, Vienna Declaration, part II, para. 42)

15. Renews its request to the Secretariat to ensure that special rapporteurs, experts, working groups, treaty bodies and other mechanisms of the Commission and the Sub-Commission are fully apprised of the particular human rights violations suffered by women, and noting in view of the fact that the Vienna Declaration and Programme of Action encourages training for United Nations human rights and humanitarian relief personnel to assist them to recognize and deal with the human rights violations particular to women and to carry out their work without gender bias, and requests the Centre for Human Rights to take action in this regard;

(Drawn from resolution 1993/46 op 2, op 3; Vienna Declaration, part II, para. 42)

16. Requests all special rapporteurs, experts, working groups, treaty bodies, and other mechanisms of the Commission and the Sub-Commission, in the discharge of their mandates, regularly and systematically to include in their reports available information on human rights violations against women;

(Drawn from resolution 1993/46, op 2)

17. Requests Governments and the United Nations to include in their human rights education activities information on the human rights of women;

18. Decides to continue its consideration of the question as a matter of high priority at its fifty-first session;

19. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of the Commission on Human Rights resolution 1994/* of _____, approves:

(a) The Commission's decision to appoint a special rapporteur on violence against women, including its causes and its consequences;

(b) The Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular, the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

(c) The Commission's request to the Special Rapporteur to report to the Commission on an annual basis, beginning at its fifty-first session.